REMARKS

Telephone conferences were held on September 14, 2004 between Examiners Diep and Bost and Dennis Smid and Mayush Singhvi. Messrs. Smid and Singhvi wish to thank the Examiners for their time and consideration for such interview.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-47 are in the application.

In the Office Action, the Examiner stated that the reissue oath/declaration "is defective" and identified a number of issues. An unsigned revised declaration accompanies this amendment. Although the reissue oath/declaration is unsigned, it is believed that this amendment is responsive to the office action. This matter was discussed during the September 14th telephone conference. Examiner Bost agreed that this is responsive to the office action. In support thereof, the Examiner's attention is directed to MPEP §1444 which state in part as follows:

> "If the unsigned reissue oath/declaration is submitted as part of a reply which is otherwise properly signed and responsive to the outstanding Office action, **the reply should be accepted by the examiner as proper and responsive**, and the oath/declaration considered fully in the next Office action. The reply should not be treated as an unsigned or improperly signed amendment (see MPEP § 714.01(a)), nor do the holdings of *Ex parte Quayle* apply in this situation. The lack of signature, along with any other oath/ declaration deficiencies, should be noted in the next Office action *rejecting* the claims as being based upon an insufficient reissue oath/declaration."

Claims 1-47 were rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tahara (U.S. 5,473,380).

Independent claim 1 recites in part as follows:

"...means for receiving a digital picture signal having picture type data included in a **data identification area** of said digital picture signal..." (Emphasis added.)

In the above 102 rejection, the Examiner asserted that Tahara and the present application disclose an identical specification. It is respectfully submitted that Tahara does not appear to disclose an identical specification. That is, Tahara does not appear to disclose picture type data being included in a **data identification area** of a digital picture signal. Accordingly, claim 1 is believed to be distinguishable from Tahara as applied by the Examiner.

For reasons somewhat similar to those described above with regard to independent claim 1, independent claims 9, 15, 23, and 28-47 are believed to be distinguishable from Tahara as applied by the Examiner.

Claims 2-8, 10-14, 16-22, and 24-27 depend from one of claims 1, 9, 15, and 23, and, due to such dependency, are believed to be distinguishable from Tahara as applied by the Examiner for at least the reasons previously described.

Claims 28-33 and 38-47 were rejected under 35 U.S.C. 102(e) as being anticipated by Eyuboglu et al. (U.S. 5,537,440).

Independent claim 28 recites in part as follows:

"...wherein said coding information is included in a **data identification area** of said source video data..." (Emphasis added.)

It is respectfully submitted that Eyuboglu as applied by the Examiner (hereinafter "Eyuboglu") does not disclose the above recited feature. Accordingly, independent claim 28 is believed to be distinguishable from Eyuboglu.

For reasons somewhat similar to those described above with regard to independent claim 28, independent claims 29-33 and 38-47 are believed to be distinguishable from Eyuboglu as applied by the Examiner.

Claims 34-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu et al.

For reasons somewhat similar to those described above with regard to independent claim 28, independent claims 34-37 are believed to be distinguishable from Eyuboglu as applied by the Examiner.

Attached hereto is a marked up version of the changes made to the claims in this amendment. The attached page is captioned **"Version with markings to show changes made"**.
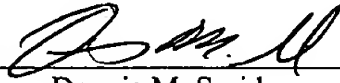
In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

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to Deposit Account No. 50-0320.

Respectfully submitted,

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<u>**Version with markings to show changes made**</u>

28. (Amended)   An encoding apparatus for encoding source video data which had previously been encoded at a previous encoding process and had previously been decoded at a previous decoding process, said apparatus comprising:

means for receiving said source video data;

means for extracting coding information from said source video data, wherein said coding information relates to a coding operation of said previous encoding process<u>, and wherein said coding information is included in a data identification area of said source video data</u>; and

means for encoding said source video data in accordance with said coding information.

29. (Amended)   An encoding method for encoding source video data which had previously been encoded at a previous encoding process and had previously been decoded at a previous decoding process, the method comprising the steps of:

receiving said source video data;

extracting coding information from said source video data, wherein said coding information relates to a coding operation of said previous encoding process<u>, and wherein said coding information is included in a data identification area of said source video data</u>; and

encoding said source video data in accordance with said coding information.

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30. (Amended)   An encoding apparatus for encoding source video data, said apparatus comprising:

means for receiving said source video data, wherein said source video data had previously been encoded at a previous encoding process, and for receiving coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said source video data; and

means for encoding said source video data in accordance with said coding information.

31. (Amended)   An encoding method for encoding source video data, the method comprising the steps of:

receiving said source video data, wherein said source video data had previously been encoded at a previous encoding process, and for receiving coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said source video data; and

encoding said source video data in accordance with said coding information.

32. (Amended)   An encoding apparatus for encoding source video data, said apparatus comprising:

means for receiving a plurality of pictures within said source video data, wherein said plurality of pictures had previously been encoded at a previous encoding process;

means for receiving picture coding type indicating which of I-picture, P-picture or B-picture had been associated with said previous encoding process, wherein said picture coding type is included in a data identification area of said source video data; and

means for encoding each of said pictures so that each picture is encoded by using the same picture coding type as said picture coding type of said previous encoding process.

33. (Amended) An encoding method for encoding source video data, the method comprising the steps of:

receiving a plurality of pictures within said source video data, wherein said plurality of pictures had previously been encoded at a previous encoding process;

receiving picture coding type indicating which of I-picture, P-picture or B-picture had been associated with said previous encoding process, wherein said picture coding type is included in a data identification area of said source video data; and

encoding each of said pictures so that each picture is encoded by using the same picture coding type as said picture coding type of said previous encoding process.

34. (Amended) A decoding apparatus for decoding an encoded bit stream which had been encoded at a previous encoding process, said apparatus comprising:

means for decoding said encoded bit stream to generate decoded video data in accordance with coding information relating to a coding operation of said previous encoding process;

means for multiplexing said decoded video data and said coding information to generate multiplexed data, wherein said coding information is included in a data identification area of said decoded video data; and

means for transmitting said multiplexed data so that said coding information will be used in a later encoding process.

35. (Amended) A decoding method for decoding an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

decoding said encoded bit stream to generate decoded video data in accordance with coding information relating to a coding operation of said previous encoding process;

multiplexing said decoded video data and said coding information to generate multiplexed data, wherein said coding information is included in a data identification area of said decoded video data; and

transmitting said multiplexed data so that said coding information will be used in a later encoding process.

36. (Amended)   A decoding apparatus for decoding an encoded bit stream which had been encoded at a previous encoding process, said apparatus comprising:

means for decoding said encoded bit stream to generate decoded video data;

means for multiplexing said decoded video data and coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said decoded video data; and

means for transmitting the multiplexed data so that said coding information will be used in a later encoding process.

37. (Amended)   A decoding method for decoding an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

decoding said encoded bit stream to generate decoded video data;

multiplexing said decoded video data and coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said decoded video data; and

transmitting the multiplexed data so that said coding information will be used in a later encoding process.

38. (Amended)   A decoding apparatus for decoding an encoded bit stream which had been encoded at a previous encoding process, said apparatus comprising:

means for extracting coding information from said encoded bit stream, wherein said coding information relates to a coding operation of said previous encoding process;

means for decoding said encoded bit stream to generate decoded video data in accordance with said coding information; and

means for transmitting said decoded video data and said coding information so that said coding information will be used in a later encoding process for said decoded video data,

wherein said coding information is included in a data identification area of said decoded video data.

39. (Amended)   A decoding method for decoding an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

extracting coding information from said encoded bit stream, wherein said coding information relates to a coding operation of said previous encoding process;

decoding said encoded bit stream to generate decoded video data in accordance with said coding information; and

transmitting said decoded video data and said coding information so that said coding information will be used in a later encoding process for said decoded video data,   ·

wherein said coding information is included in a data identification area of said decoded video data.

40. (Amended)   A decoding apparatus for decoding an encoded bit stream which had been encoded at a previous encoding process, said apparatus comprising:

means for extracting coding information from said encoded bit stream, wherein said coding information relates to a coding operation of said previous encoding process;

means for decoding said encoded bit stream to generate decoded video data; and

means for transmitting the decoded video data and said coding information so that said coding information will be used in a later encoding process for said decoded video data,

wherein said coding information is included in a data identification area of said decoded video data.

41. (Amended)   A decoding method for decoding an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

extracting coding information from said encoded bit stream, wherein said coding

information relates to a coding operation of said previous encoding process;

decoding said encoded bit stream to generate decoded video data; and

transmitting the decoded video data and said coding information so that said

coding information will be used in a later encoding process for said decoded video data,

wherein said coding information is included in a data identification area of said

decoded video data.

42.   (Amended)   A decoding apparatus for decoding an encoded bit stream

which had been encoded at a previous encoding process, said apparatus comprising:

means for extracting picture coding type from said encoded bit stream, wherein

said picture coding type indicates which of I-picture, P-picture, or B-Picture had been associated

with said previous encoding process;

means for decoding each picture within said encoded bit stream to generate

decoded video data; and

means for transmitting said decoded video data and said picture coding type so

that each said picture will be encoded by using the same picture coding type as said picture

coding type in a later encoding process for said decoded video data,

wherein said picture coding type is included in a data identification area of said

decoded video data.

43.   (Amended)   A decoding method for decoding an encoded bit stream

which had been encoded at a previous encoding process, the method comprising the steps of:

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extracting picture coding type from said encoded bit stream, wherein said picture coding type indicates which of I-picture, P-picture, or B-Picture had been associated with said previous encoding process;

decoding each picture within said encoded bit stream to generate decoded video data; and

transmitting said decoded video data and said picture coding type so that each said picture will be encoded by using the same picture coding type as said picture coding type in a later encoding process for said decoded video data,

wherein said picture coding type is included in a data identification area of said decoded video data.

44. (Amended) A coding system for performing a decoding process and an encoding process to an encoded bit stream which had been encoded at a previous encoding process, the system comprising:

decoding means for decoding said encoded bit stream to generate decoded video data, and for outputting coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said decoded video data; and

encoding means for encoding said decoded video data based on said coding information transmitted from said decoding means.

45. (Amended)   A coding method for performing a decoding process and an encoding process to an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

decoding said encoded bit stream by use of a decoder to generate decoded video data and outputting coding information relating to a coding operation of said previous encoding process, wherein said coding information is included in a data identification area of said decoded video data; and

encoding said decoded video data based on said coding information transmitted from said decoder.

46. (Amended)   A coding system for performing a decoding process and an encoding process to an encoded bit stream which had been encoded at a previous encoding process, the system comprising:

decoding means for decoding said encoded bit stream to generate decoded video data;

encoding means for encoding said decoded video data; and

means for controlling a coding operation of said encoding means in accordance with coding information relating to a coding operation of said previous encoding process,

wherein said coding information is included in a data identification area of said decoded video data.

47. (Amended)   A coding method for performing a decoding process and an encoding process to an encoded bit stream which had been encoded at a previous encoding process, the method comprising the steps of:

decoding said encoded bit stream to generate decoded video data;

encoding said decoded video data by use of an encoder; and

controlling a coding operation of said encoder in accordance with coding information relating to a coding operation of said previous encoding process,

wherein said coding information is included in a data identification area of said decoded video data.